



COMMODITY FUTURES TRADING COMMISSION

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Division of
Enforcement

October 14, 2021

BY ECF

Hon. John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 14A
New York, NY 10007-1312

**Re: CFTC v. John David McAfee and Jimmy Gale Watson,
1:21-cv-1919 (JGK)**

Dear Judge Koeltl:

Plaintiff Commodity Futures Trading Commission (the “CFTC”) respectfully writes the court to provide a status update concerning Defendant John D. McAfee.¹

As Plaintiff noted previously, it understood that McAfee was being detained in a Spanish prison in connection with extradition requests by the U.S. Department of Justice. On April 14, 2021, in accordance with Rule 4(f)(1) of the Federal Rules of Civil Procedure, the CFTC began the process of serving McAfee through the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Convention”) by requesting assistance from the designated central authority in Spain for Hague Convention requests (the Spanish Ministry of Justice) and transmitting the requisite summons, complaint and other initial case documents in English and in Spanish.

As set forth further in the declaration of proof of service that was filed last Friday (Dkt. No. 22), a local Spanish official personally served McAfee on June 1, 2021. McAfee’s answer (or other responsive motion) thus would have been due on June 22, 2021, pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i). According to news reports, on the following day June 23, 2021, a Spanish court released an order authorizing McAfee’s extradition, and later that day he was found dead in his jail cell. See Davis, Walsh, and Marcos, *John McAfee, Software Pioneer Turned Fugitive*,

¹ Co-Defendant Jimmy Gale Watson was served earlier this year. Watson requested an extension of his time to answer for ninety days (see Dkt. No. 23); Plaintiff does not oppose this request.

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Dies in Spanish Prison, N.Y.Times, June 24, 2021, at B4. Official information regarding the reported death is being sought; the CFTC will provide more information when it becomes available.

In light of the current status and Watson's request for additional time, Plaintiff respectfully requests the Court reschedule the status update to coincide with the date that Watson's response to the complaint is due (which if his motion is granted would be January 13, 2022).

Respectfully submitted,



David W. Oakland

cc: Arnold Spencer, Esq. (counsel for co-defendant Watson) (via ECF)